

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-25 were pending. Claims 1, 3, 6, 21, and 25 have been amended, and new claims 26 and 27 have been added. Claims 1-27 are presented for reconsideration.

Applicants thank the Examiner for the courtesies extended during the personal interview on January 25, 2005.

Applicants appreciate the indication of allowable subject matter in claims 7-10, 12, 13, 23, and 24. Applicants have elected not to place these claims in independent form at this time.

Claims 1-5, 14, 19, and 20 are rejected under 35 USC 102(b) as anticipated by Mason (USP 266,492). Applicants request withdrawal of this rejection for at least the following reasons.

Claim 1, as amended, defines an open top child swing including “a seat coupled to the first and second hanger arms, the seat having an underside to be placed on a support surface.” The seat of claim 1 “can be removed from the frame [of the swing],” “is configured to be placed on a support surface while the child remains in the seat,” and “maintains the same configuration when suspended from the frame and when placed on the support surface.”

Mason does not teach or suggest a seat that can be removed from a frame and that has an underside to be placed on a support surface. Mason discloses a rocking chair that converts to a swing. When Mason’s chair functions as a rocking chair, as shown in FIG. 1, the rockers E (identified by the Office Action as hanger arms) are placed on the support surface, not the seat. For at least this reason, Applicants submit that claim 1, and its dependent claims 2-5, 14, 19, and 20 are not anticipated by Mason under 35 USC 102(b).

Claims 1, 6, 11, 15-18, and 25 are rejected under 35 USC 102(b) as anticipated by Sonner et al. (USP 6,386,986). Applicants request withdrawal of this rejection for at least the following reason.

As mentioned above, claim 1 defines an open top child swing including “a seat coupled to the first and second hanger arms, the seat having an underside to be placed on a support surface.” The seat of claim 1 “can be removed from the frame,” “is configured to be placed on a surface while the child remains in the seat,” and “maintains the same configuration when suspended from the frame and when placed on the support surface.”

Sonner et al. discloses a child support 20 that is removable from a swing frame 200. Sonner et al., however, does not teach or suggest that its child support 20 is configured to be placed on a support surface while the child remains in the seat. For at least this reason, Applicants submit that claim 1 and its dependent claims 6, 11, and 15-18 are not anticipated by Sonner et al. under 35 USC 102(b).

Claim 25, as amended, defines a child swing that includes a seat assembly. The seat assembly of claim 25 includes “first and second hanger arms removably coupled to the first and second hanger mounts, respectively, and a seat coupled to the first and second hanger arms.” The seat of claim 25 “is configured to be placed on a support surface while the child remains in the seat.”

As stated above, Sonner et al. does not teach or suggest that its child support 20 is configured to be placed on a support surface while the child remains in the seat. For at least this reason, Applicants submit that claim 25 is not anticipated by Sonner et al. under 35 USC 102(b).

Claims 21 and 22 are rejected under 35 USC 102(b) as anticipated by Bochmann (USP 4,150,820). Applicants request withdrawal of this rejection for at least the following reason.

Claim 21, as amended, defines an open top child swing that includes “a battery pack to house batteries, the battery pack being removably mounted to one of the first and second housings.”

The Office Action states that Bochmann discloses a swing including a battery pack (B). Applicants disagree. Bochmann discloses batteries (B), not a battery pack to house batteries, as required by claim 21. For at least this reason, Applicants submit that claim 21 and its dependent claim 22 is not anticipated by Bochmann under 35 USC 102(b).

Claims 19 and 20 are rejected under 35 USC 103(a) as unpatentable over Mason in view of Nix (USP 743,546). Claims 19 and 20 depend from claim 1. Claim 1 is patentable over Mason for at least the above-stated reason. Nix does not cure the deficiencies of Mason. For example, Nix does not teach or suggest a seat that can be removed from a frame and that has an underside to be placed on a support surface. For at least this reason, Applicants submit that claims 19 and 20 are not rendered obvious by Mason and Nix under 35 USC 103(a).

Applicants have added new claims 26 and 27 to this application. New claim 26 defines an open top child swing comprising a frame; a seat suspended from the frame by at least one hanger arm to swing relative to the frame, the seat and the at least one hanger arm being removable from the frame; and a motor mechanism to drive the swinging motion of the seat, wherein the seat has an underside to be placed on a support surface and is configured to be placed on the support surface while the child remains in the seat, and wherein the seat maintains the same configuration when suspended from the frame and when placed on the surface. Applicants submit that claim 26 and its dependent claim 27 are patentable over the references relied upon in the Office Action.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 CFR 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By Mary Michelle Kile

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5428
Facsimile: (202) 672-5399

Mary Michelle Kile
Attorney for Applicants
Registration No. 35,217